

REMARKS

Claims 1, 29, 35, 37, and 39-41 are pending. Claim 29 is amended. Claims 2-28, and 30-124 are canceled. Upon entry of the present amendment, claims 1 and 29 are pending.

Cancellation of the claims is in no way to be construed as acquiescence to any of the rejections raised by the Action. The cancellation was done solely to expedite prosecution of the application and Applicants reserve the right to pursue the claims filed in this application or in one or more separate applications.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 43 and 44 are rejected as allegedly indefinite. This rejection is rendered moot by the cancellation of claims 43 and 44.

Rejections under 35 U.S.C. § 102(b)

Claims 29, 37, 39, 40, and 42-44 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Srivastava et al., WO/2001/017554 (hereinafter “Srivastava”). Applicants respectfully disagree and traverse the rejection. Nevertheless, the rejection is rendered moot by the cancellation of claims 29, 37, 39, 40, and 42-44 and is overcome by the amendment of claim 29, which now incorporates the subject matter of claim 35. Applicants note that claim 35 was not rejected over Srivastava.

Rejections under 35 U.S.C. § 103

Claim 41 is rejected under 35 U.S.C. § 103 over Srivastava in view of Robbins et al. (US 2003/0104622). Applicants respectfully disagree and traverse the rejection. Nevertheless, the rejection is rendered moot by the cancellation of claim 41.

Allowable Subject Matter

Claim 1 is indicated as allowable. Claim 35, which depends from claim 29, is rejected for being dependent on a rejected base claim. Claim 29 has been amended to incorporate the subject matter of claim 35, and is now directed to methods of promoting fugetaxis of migratory cells in a subject comprising administering to a subject in need of such treatment the Heat Shock Protein (HSP) of SEQ ID NO:3 or a fragment thereof consisting of SEQ ID NO: 47, in an amount effective to promote fugetaxis of migratory cells away from a stent.

CONCLUSION

Applicants believe all formalities have been complied with and a complete response has been submitted. It is respectfully submitted that this application is now in condition for allowance with claims 1 and 29. Should any issues remain or should the Examiner believe that a telephone conference with Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to contact the undersigned at the telephone number shown below.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: November 4, 2009

Respectfully submitted,
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